

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THE CATHOLIC BENEFITS ASSOCIATION LCA et al.,)	
)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-14-240-R
)	
SYLVIA M. BURWELL, Secretary of the United States Department of Health and Human Services et al.,)	
)	
)	
Defendants.)	

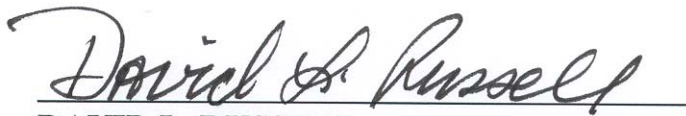
ORDER

Plaintiffs filed a Motion for Preliminary Injunction in this case on March 12, 2014. Doc. No. 4. On April 10, the Court ordered that Defendants need not file a responsive pleading to the Verified Complaint until ten days after the later of this Court's ruling on the Motion for Preliminary Injunction or until all appeal rights are exhausted. Doc. No. 49. Plaintiffs then filed a motion for class certification on April 17. Doc. No. 53. Defendants opposed this motion and suggested that the Court defer ruling on the motion until the resolution of any appeal of this Court's ruling on the Motion for Preliminary Injunction. Doc. No. 58, at 6. On June 4, the Court granted in part and denied in part the Motion for Preliminary Injunction. Doc. No. 68. Both Plaintiffs and Defendants have appealed the June 4 Order, and the matter is currently pending before the Tenth Circuit. *See* Doc. Nos. 76, 79. The Tenth Circuit granted Defendants' motion to hold the case in abeyance pending the Circuit's resolution of three separate appeals that present

substantially the same legal questions. Doc. No. 82. Oral arguments on those three cases were scheduled for December 8. *Id.* at 2.

If Plaintiffs oppose the Court deferring its ruling on their motion to certify [Doc. No. 53] until all appeal rights related to the Court's June 4 Order on the motion for preliminary injunction [Doc. No. 68] are exhausted, Plaintiffs are directed to show cause why the Court should not defer consideration of the class certification motion. The Court directs Plaintiffs to respond to this Order by January 20, 2015.

IT IS SO ORDERED this 30th day of December, 2014.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE